

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NATIONAL ASSOCIATION FOR GUN
RIGHTS, and SUSAN KAREN GOLDMAN,

Plaintiffs,

v.

CITY OF HIGHLAND PARK, ILLINOIS,

Defendant.

No. 1:22-cv-04774

Honorable Harry D. Leinenweber

Honorable Jeffrey T. Gilbert

**DEFENDANT CITY OF HIGHLAND PARK'S
NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendant City of Highland Park, Illinois (“Highland Park”) respectfully writes to notify the Court of two recent decisions by district courts within the Seventh Circuit. Both involve Second Amendment challenges to laws regulating assault weapons and large-capacity magazines.

First, in a case in the Northern District of Illinois—*Herrera v. Raoul*, No. 23-cv-532 (N.D. Ill.)—Judge Jenkins recently denied the plaintiff’s motion for a preliminary injunction. *See* Ex. A, *Herrera v. Raoul*, No. 23-cv-532, 2023 WL 3074799 (N.D. Ill. Apr. 25, 2023). The *Herrera* plaintiff challenges laws by the State of Illinois, Cook County, and the City of Chicago that regulate certain “assault weapon[s]” and “large capacity” magazines. *Id.* at *1–2.

Judge Jenkins’s opinion noted that “[t]he Court does not consider this case in isolation,” but rather in connection with “two other matters within this district” that challenge “similar” restrictions: (a) the present matter, *Goldman v. City of Highland Park*, No. 22-cv-4774 (N.D. Ill.), and (b) *Bevis v. City of Naperville*, No. 22-cv-4775 (N.D. Ill.), pending before Judge Kendall. *Id.* at *4. In particular, Judge Jenkins observed that “[m]ost recently, the *Bevis* Court denied a motion for [a] preliminary injunction,” and found *Bevis*’s analysis persuasive. *Id.*; *see*

also *Bevis v. City of Naperville*, No. 22-cv-4775, 2023 WL 2077392 (N.D. Ill. Feb. 17, 2023).

Like Judge Kendall concluded in *Bevis*, Judge Jenkins found that the challenged “restrictions on possession of certain semiautomatic rifles and large-capacity magazines” are “consistent with the Nation’s ‘history and tradition’” of firearms regulation. *Id.* at *6–7 (quoting *N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S. Ct. 2111, 2130 (2022)). Judge Jenkins also found that the remaining preliminary injunction factors weighed against injunctive relief. *Id.* at *11–13. Thus, both judges within this District who have considered challenges to assault-weapons and large-capacity-magazine regulations have now rejected motions for preliminary injunctions and held that the challenged laws are likely constitutional.

Second, in the Southern District of Illinois, Judge McGlynn recently granted a motion for a preliminary injunction in a consolidated action challenging the same Illinois law at issue in *Herrera*. See Ex. B, *Barnett v. Raoul*, No. 3:23-cv-209, 2023 WL 3160285 (S.D. Ill. Apr. 28, 2023). Across the post-*Bruen* cases challenging regulations of assault weapons and/or large-capacity magazines, Judge McGlynn is the only judge to grant a temporary restraining order or preliminary injunction—six other U.S. District Judges (including Judges Kendall and Jenkins) have denied such motions and held that the challenged laws are likely constitutional.¹

Bevis, *Herrera*, and *Barnett* are now the subject of ongoing appellate proceedings before the Seventh Circuit. See *Bevis v. City of Naperville*, No. 23-1353 (7th Cir.) (appeal docketed Feb. 23, 2023); *Herrera v. Raoul*, No. 23-1793 (7th Cir.) (appeal docketed Apr. 26, 2023); *Barnett v.*

¹ See *Or. Firearms Fed’n, Inc. v. Brown*, 2:22-cv-1815, 2022 WL 17454829 (D. Or. Dec. 6, 2022) (Immergut, J.); *Ocean State Tactical, LLC v. Rhode Island*, No. 22-cv-246, 2022 WL 17721175 (D.R.I. Dec. 14, 2022) (McConnell, J.); *Del. State Sportsmen’s Ass’n, Inc. v. Del. Dep’t of Safety & Homeland Sec.*, No. 22-cv-951, 2023 WL 2655150 (D. Del. Mar. 27, 2023) (Andrews, J.); *Hanson v. District of Columbia*, No. 22-cv-2256, 2023 WL 3019777 (D.D.C. Apr. 20, 2023) (Contreras, J.).

Raoul, No. 23-1825 (7th Cir.) (appeal docketed May 1, 2023). In addition, the *Herrera* plaintiff has filed a motion asking the Seventh Circuit to consolidate his appeal with *Bevis* in the interest of judicial economy. *See Herrera v. Raoul*, No. 23-1793, Dkt. 5 (7th Cir. Apr. 26, 2023). That motion remains pending.

Dated: May 4, 2023

Respectfully submitted,

/s/ David H. Hoffman

David H. Hoffman (No. 6229441)
Robert N. Hochman (No. 6244222)
Neil H. Conrad (No. 6321947)
Caroline A. Wong (No. 6324863)
Paul J. Rogerson (*pro hac vice*)
Claire G. Lee (No. 6339280)
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL 60603
Telephone: (312) 853-7000
Facsimile: (312) 853-7036
david.hoffman@sidley.com
rhochman@sidley.com
nconrad@sidley.com
caroline.wong@sidley.com
progerson@sidley.com
claire.lee@sidley.com

Steven M. Elrod (No. 6183239)
Hart M. Passman (No. 6287062)
ELROD FRIEDMAN LLP
325 N. LaSalle St.
Suite 450
Chicago, IL 60654
Telephone: (312) 528-5200
steven.elrod@elrodfriedman.com
hart.passman@elrodfriedman.com

Douglas N. Letter (*pro hac vice* application forthcoming)
Erin Davis (*pro hac vice*)
Philip Bangle (*pro hac vice* application forthcoming)

Shira Lauren Feldman (*pro hac vice*)
BRADY

840 First Street NE, Suite 400

Washington, DC 20002

Telephone: (202) 370-8100

dletter@bradyunited.org

edavis@bradyunited.org

pbangle@bradyunited.org

sfeldman@bradyunited.org

*Attorneys for Defendant City of Highland
Park, Illinois*